

CHAVEZ & GERTLER LLP
MARK A. CHAVEZ (Bar No. 90858)
NANCE F. BECKER (Bar No. 99292)
42 Miller Ave.
Mill Valley, CA 94941
Telephone: (415) 381-5599
Facsimile: (415) 381-5572
mark@chavezgertler.com
nance@chavezgertler.com

SCHNEIDER WALLACE COTTRELL
BRAYTON KONECKY LLP
MARK T. JOHNSON (Bar No. 76904)
180 Montgomery Street – Ste. 2000
San Francisco, CA 94104
Telephone: (415) 421-7100
Facsimile: (415) 421-7105

SCHNEIDER WALLACE COTTRELL
BRAYTON KONECKY LLP
GARRETT W. WOTKYNS (admitted *pro hac vice*)
7702 E. Doubletree Ranch Road, Suite 300
Scottsdale, AZ 85258
Telephone: (480) 607-4368
Facsimile: (480) 348-3999
gwotkyns@schneiderwallace.com

BONNETT, FAIRBOURN, FRIEDMAN & BALINT, PC
ANDREW S. FRIEDMAN (admitted *pro hac vice*)
2901 N. Central Avenue, Suite 1000
Phoenix, AZ 85012
Telephone: (602) 274-1100
Facsimile: (602) 274-1199
afreidman@bffb.com

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARY B. LABRADOR, individually and on)
behalf of all others similarly situated,)

Plaintiff,)

vs.)

SEATTLE MORTGAGE COMPANY,)
Defendant.)

Case No.: C-08-2270-SC

CLASS ACTION

**STIPULATION AND [PROPOSED]
ORDER RE MODIFICATION OF
STATUS CONFERENCE ORDER**

1 Plaintiff Mary B. Labrador and defendant Seattle Mortgage Company, through their
2 attorneys of record, hereby stipulate as follows:

3
4 **RECITALS**

5 WHEREAS, the Amended Scheduling Order entered by the Court on September 21,
6 2009 directs the parties to complete class certification fact discovery by February 26, 2010
7 and requires plaintiff to file her motion for class certification on March 19, 2010, with
8 hearing on the motion set for June 11, 2010; and

9 WHEREAS, defendant Seattle Mortgage Company ("SMC") filed a Motion for
10 Summary Judgment on August 28, 2009, and the parties subsequently agreed to limit
11 discovery propounded to SMC to issues relating to the resolution of that motion, which was
12 denied January 15, 2010; and

13 WHEREAS, Plaintiff believes that additional discovery, including document
14 production and the deposition of one or more representatives of SMC pursuant to
15 Fed.R.Civ.Proc. 30(b)(6), is required in order to support her motion for class certification, a
16 number of disagreements have arisen between the parties regarding the proper scope and
17 scheduling of such discovery, and it is impossible for Plaintiff to complete the discovery
18 under the existing deadlines;

19
20 **STIPULATION**

21 IT IS THEREFORE STIPULATED AND AGREED that the existing Scheduling
22 Order shall be modified so that the cutoff for completion of class certification fact discovery
23 and related actions shall be extended for a period of four months. The new deadlines shall be
24 as follows:

25 Completion of class certification fact discovery – 6/25/10

26 Plaintiff to file motion for class certification – 7/23/10

27 Defendant to file opposition to motion for class certification – 8/20/10

28 Plaintiff to file reply in support of class certification – 9/3/10

1 Hearing on class certification – 9/17/10

2 Case Management Conference (currently, 7/9/10) – ~~10/15/10~~ 11/19/10

3
4 Dated: February 22, 2010

Respectfully submitted,

5 CHAVEZ & GERTLER LLP

6 SCHNEIDER WALLACE COTTRELL
7 BRAYTON KONECKY LLP

8 BONNETT, FAIRBOURN, FRIEDMAN
& BALINT, PC

9 By: _____ /s/ _____.

10 Nance F. Becker
11 Attorneys for Plaintiff
MARY B. LABRADOR

12 SEVERSON & WERSON

13
14 By: _____ /s/ _____.

15 Sunny Huo
16 Attorneys for Defendant
SEATTLE MORTGAGE COMPANY

17 **PROPOSED ORDER**

18 Good cause appearing, the Court hereby approves the above stipulation and Orders
19 that the dates set forth in the Scheduling Order entered September 21, 2009 shall be modified
20 as set forth above.

21 IT IS SO ORDERED.

22 Dated: February 23, 2010

